

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,)
)
v.)
)
WALTER A. FORBES)

Criminal No. 3:02CR00264 (AWT)

RULING ON FORBES' RETRIAL MOTION NO. 12

(Motion for Permission to File the Attached Supplemental Memorandum in Opposition to Motions to Quash Rule 17(C) Subpoenas Filed by Cosmo Corigliano, Kramer Levin Naftalis & Frankel LLP, Anne Pember, Casper Sabatino, Kevin Kearney, Cendant and Fried, Frank, Harris, Shriver & Jacobson LLP Ex Parte and Under Seal)

Defendant Forbes' motion is being denied.

Based on the court's experiences in this case (see, e.g., Trial Tr. (7/15/04) at 8811-8815 and Statement in Response to the Court's Comments Regarding Forbes Trial Motion No. 22 (Doc. No. 992)), the court is not comfortable relying on representations of counsel for defendant Forbes where counsel for the parties and/or non-parties whose interests are adverse to those of defendant Forbes have not had an opportunity to review and/or respond to those representations.

Therefore, the court will not read defendant Forbes' proposed supplemental memorandum. However, the memorandum shall be placed under seal and docketed as a proposed ex parte supplemental memorandum.

Accordingly, defendant Forbes' Motion for Permission to File the Attached Supplemental Memorandum in Opposition to Motions to

Quash Rule 17(C) Subpoenas Filed by Cosmo Corigliano, Kramer Levin Naftalis & Frankel, LLP, Anne Pember, Casper Sabatino, Kevin Kearney, Cendant and Fried, Frank, Harris, Shriver & Jacobson LLP *Ex Parte* and Under Seal (Doc. No. 1826-a) is hereby DENIED.

It is so ordered.

Dated this 28th day of October 2005, at Hartford,
Connecticut.

/s/
Alvin W. Thompson
United States District Judge